

Message Text

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ACTION EB-07

INFO OCT-01 EUR-12 ISO-00 CCO-00 CIAE-00 OTPE-00 FCC-01

INR-07 NSAE-00 OC-05 USIA-06 COME-00 BIB-01 IO-11

OIC-02 DODE-00 DOTE-00 FMC-01 CG-00 OFA-01 DLOS-04

PA-01 PRS-01 OMB-01 L-03 TRSE-00 AF-06 ARA-06 EA-07

NEA-10 SP-02 /096 W

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R 171838Z FEB 76

FM AMEMBASSY LONDON

TO SECSTATE WASHDC 9050

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E.O. 11652: N/A

TAGS: PORG, ETEL, IMCO

SUBJECT: INMARSAT CONFERENCE, SECOND SESSION: DAY 6

REF: LONDON 2437

SUMMARY: CONFERENCE RESUMED ON MONDAY WITH DISCUSSION
AND ADOPTION MF ARTICLES IN COMMITTEES I AND II. END
SUMMARY.

1. COMMITTEE I, AFTER DEFEAT OF TURKISH ARD SOVIET
MOVES TO BROADEN DEFINITION OF WORD "SHIP", ADOPTED
US PROPOSAL TO EXCLUDE PERMANENTLY MOORED PLATFORMS
FROM THE DEFILITION. RATIONALE WAS THAT SUCH PLATFORMS
SHOULD ONLY BE PERMITTED TO ACCESS SYSTEM ON A CASE-BY-
CASE BASIS WHEREBY COUNCIL CAN ENSURE THAT THEIR ACCESS
WOULD NOT SIGNIFICANTLY AFFECT SERVICE TO MORE TRADITION-
AL "SHIPS". (COMMITTEE AGREED YESTERDAY TO INCLUDE US-
PROPOSED PARAERAPH IN ART 7 GIVING COUNCIL POWER TO
PERMIT ACCESS ON A CASE-BY-CASE BASIS TO STRUCTURES
OTHER THAN SHIPS.) HOWEVER, ANOTHER AMENDMENT PASSED
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OVER US OBJECTIONS TO ADD TO DEFINITION OF SHIPS FOLLOW-

ING PHRASE: AND SUCH OTHER TYPES OF VESSELS AS THE COUNCIL MAY DECIDE." (NET EFFECT IS THAT COUNCIL HAS TWO POWERS FOR DEALING WITH NEW OR QUESTIONABLE VESSELS OR STRUCTURES, COUNCIL COULD, UNDER ART 1, DECIDE THAT A PARTICULAR MBJECT IS A "SHIP". IN THIS CASE ALL SUCH OBJECTS WOULD BE ENTITLED TO ACCESS ON SAME BASIS AS OTHER "SHIPS", IT WOULD NOT APPEAR POSSIBLE TO REVERSE SUCH A COUNCIL DECISION. ON THE OTHER HAND, THE COUNCIL COULD DECIDE THAT THE OBJECT IS A "STRUCTURE". ACCESS WOULD THEN REQUIRE SPECIFIC COUNCIL PERMISSION WITH RESPECT TO EACH SUCH STRUCTURE AND SUCH PERMISSION WOULD BE LIMITED IN THAT ACCESS MIGHT SOME DAY CEASE IF IT WAS SIGLFICANTLY AFFECTING SERVICE TO TRADITIONAL SHIPS.) US ASTAINED ON FINAL VERSION TO ALLOW TIME TO CONSIDER IN US DEL MEETING.

2. ART 3 ADOPTED ALMOST EXACTLY AS IN ISWG TEXT WITH UNDERSTANDING US PROPOSAL TO ADD PRINCIPLE OF COMMERCIALITY YET TO BE DECIDED.

3. DISCUSSION BEGAN ON ART 5, OTHER SPACE SEGMENTS. SOVIET PROPOSAL TO DELETE ARTICLE ENTIRELY DEFEATED BY ROLL CALL VOTE 13-25(US)-0. US PROPOSAL TO CLARIFY TEXT BY, INTEP ALIA, DEFINING AND SEPARATING TECHNICAL AND ECONOMIC HARM AND ASSIGNING RESPONSIBILITY TO COUNCIL FOR FORMER AND ASSEMBLY FOR LATTER DEFEATED BY 29-2(US)-6. ISWG TEXT PASSED 25-5-8(US) WITH MODIFICATIONS. (PROVISION DELETED WHICH OBLIGATED PARTIES NOT TO PUT INTENDED SPACE SEGMENTS INTO EFFECT UNTIL ASSEMBLY MADE

RECOMMENDATION WITHIN 9 MONTHS. US PROPOSAL FOR EXCEPTIONS FOR DOMESTIC PURPOSES, NATIONAL SECURITY PURPOSES AND EXISTING AND INTELSAT FACILITIES HAVE YET TO BE DEALT WITH.

COMMITTEE II - FEB 16

1. COMMITTEE II ADOPTED FOLLOWING ARTICLES FEB 16:

A. ART V - PARA (1) (WP-10); REFERENCE TO "ARTICLE LIMITED OFFICIAL USE

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20 OF THE CONVENTION" RETAINED IN SQUARE BRACKETS.

B. ART V (WP-12) - PARAS 2, 8, 9, 9BIS, AND PARA 10 (WP-12/ADD-1); INVESTMENT SHARE IN PARA (2) LEFT BLANK.

C. ART VI.

D. ART IX (MARSAT/CONF/13) - SQUARE BRACKETS PARA (1)

REMOVED AND PARA ADOPTED. PARA 2 ADOPTED AS FOLLOWS:
"ALL PAYMENTS BETWEEN SIGNATORIES AND THE ORGANIZATION
PURSUANT TO THE OPERATING AGREEMENT SHALL BE EFFECTED
IN ANY FREELY CONVERTIBLE CURRENCY ACCEPTABLE TO THE
CREDITOR."

2. IN RELATED DISCUSSION OF UNIT OF ACCOUNT AND CAPITAL
CEILING ARTICLE IV, COMM II AGREED TO RECOMMEND TO
PLENARY ADOPTION OF 200 MILLION US DOLLARS WITHOUT

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QUALIFICATION. NOTE IN COMM REPORT ON UNIT OF ACCOUNT
OR CURRENCY TO BE USED IN EXPRESSING CAPITAL CEILING
THUS DELETED.

3. ARTICLE VII(1)(A) ADOPTED WITH INCLUSION OF US TEXT
ON EQUIVALENT CHARGES FOR EQUIVALENT SERVICES TO
SIGNATORIES IN PLACE OF LAST SENTENCE OF WP-10 TEXT;
VOTE 22 IN FATOR (US).

4. A. ARTICLE X BIS AND X TER (CONF 13); AFTER

INITIAL DISCUSSION THESE TURNED OVER TO AD HOC WORKING GROUP TO CONSIDER AND REPORT FINDINGS BACK TO COMM II MORNING FEB 18.

B. ARTICLE X QUATER (CONF 13) - (EXONERATION FROM LIABILITY) ADOPTED PROVISIONALLY AND SUBMITTED TO LEGAL WORKING GROUP WHICH CONSIDERING OTHER LIABILITY ISSUES. AFTER REVIEW AND COMMENT BY LEGAL WG, X QUATER TO BE RECONSIDERED BY COMM II.

5. ART XI (CONF 13) - SETTLEMENT UPON WITHDRAWAL
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OR TERMINATION; PARAS (1), (1)(A) AND (1)(B) ADOPTED; PARA (1)(C) ADOPTED WITH DELETION OF WORDS AFTER "... WITHDRAWAL OR TERMINATION ..."; PARA (2) ADOPTED WITH DELETION OF BRACKETED (B) AND REMOVAL OF 2ND SET OF BRACKETS RETAINING LANGUAGE; PARA (3), (4) AND (5) TO BE CONSIDERED AT NEXT SESSION OF COMM II.

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